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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,159	02/16/2001	Hiroshi Tanaka	FJ-2000-041 US	2743

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EXAMINER

MISLEH, JUSTIN P

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/784,159

Applicant(s)

TANAKA ET AL.

Examiner

Justin P. Misleh

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**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 08 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Attached Correspondence. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: 5-7, 16, 21-23, 28, 33-35 and 44.

Claim(s) rejected: 1-4, 8-15, 17-20, 24-27, 29-32, 36-43 and 45.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Attached Correspondence.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_

13. ☐ Other: \_\_\_\_\_.

***Response to Amendment***

1. Claim 15 was amended to recite, “other than an image information transmitting end apparatus that implements said image information obtaining method” when the claim previously recited “other than the information transmitting apparatus.”
2. The amendment to Claim 15 presents new issues requiring further search and consideration. In the previous recitation, it was not required that the information transmitting end implement the information obtaining method of independent Claim 1, rather the information obtaining method is implemented by requiring an information transmitting end to classify a plurality of images, produce directories, and register file names. The amended recitation now requires that the information transmitting end implement the image obtaining method and further requires excluding the information receiving end from receiving information from a communication apparatus other the image information transmitting end implementing the image obtaining method. In other words, Claim 15 now excludes the previously referred to information transmitting end and incorporates communication with any information transmitting end other the previously referred to information transmitting end.

***Response to Arguments***

3. Applicant argues that the “canisters” of Tomat cannot be interpreted as the claimed “directories” because “there is no lower level to this ‘directory structure’”.
4. However, the Examiner disagrees with Applicant’s position on the basis that the claim language does not require a “lower level to this ‘directory structure’”. Rather, the claim language at least requires that:

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"the image information transmitting end:

"classifying a plurality of images recorded in a recording medium under parameters that represent properties of the plurality of images;

"producing directories in which to register image files or file names of the classified images in each parameter; and

"registering file names as required for each image"

5. Turning to the plain meaning of "directories in which to register image files" as recited above, *The IEEE Standard Dictionary of Electrical and Electronics Terms, Sixth Edition* recites:

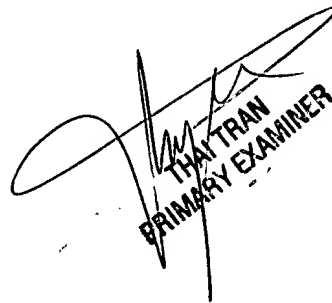
- On page 406, **file directory** – (B) A list of files and their locations on a particular storage device or volume.
- On page 298, **directory** – (1) (A) A list of data items and information about those items, used to reference the items.
- On page 298, **directory entry** – (4) A relation that associates a filename with a file.

6. Turning to the prior art, Tomat discloses, as shown in figures 1 and 3, a digital camera (14) that records in a memory (36) therein a plurality of images as photo groups of 50 images (see column 11, lines 27 – 43). The images are organized in the memory (36) in such a way that they can be easily accessed and readily available for batch processing. For instance, Tomat states, "each photo captured by digital camera 14 is stored in camera memory 36 as a photo group ... camera 14 stores photo groups in canister format ... a canister includes up to fifty photo groups." Furthermore, figure 22 shows the computer user interface (190) having a live view (192) of the contents of camera memory (36), wherein the canisters (208) are identified

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according to the date(s) when the images/photo groups stored therein were captured (see column 15, lines 51 and 52).

7. Hence, Tomat has essentially provided a plurality of folders (canisters 208) organized by date on a memory (camera memory 36) located within the camera (14), wherein each of the folders (canisters 208) has a plurality of sub-folders (photo groups) each storing therein a plurality of images. Therefore, it is evident that Tomat does in fact provide “a list of files and their locations on a particular storage device,” “a list of data items and information about those items,” and “a relation that associates a filename with a file” as required by the claim language.



THAI TRAN  
PRIMARY EXAMINER